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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,494	01/11/2002	Simon Chu	RPS920010115US1	9283

7590 03/08/2005

DILLON & YUDELL LLP
8911 NORTH CAPITAL OF TEXAS HIGHWAY
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AUSTIN, TX 78759

EXAMINER

PATEL, ANAND B

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/044,494	CHU ET AL.	
	Examiner	Art Unit	
	Anand Patel	2116	

All participants (applicant, applicant's representative, PTO personnel):

(1) Anand Patel. (3) James Trujillo.
 (2) Jim Boice. (4) _____.

Date of Interview: 08 February 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: 1,6,10,15,21 and 22.

Identification of prior art discussed: US Patent No 6651180 to Wickeraad.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Interview with attorney to discuss proposed amended claims and prior art used in Non-Final Rejection. Agreement was reached that the proposed independent claims (see attached email) as amended appeared to overcome the prior art of record. Agreement was not reached over the meaning of "shuts down" as cited in Wickeraad, column 5, line 26. Attorney believes the term "shuts down" refers to a bus collision and a halting of messages sent by the device over the bus. Applicant states that the proposed amended claims will most likely be sent in as an amendment to the claims. Further search and consideration will be required.

Attachment to
Interview Summary
Record

Patel, Anand B.

From: Jim Boice [boice@dillonyudell.com]
Sent: Friday, February 04, 2005 4:25 PM
To: Patel, Anand B.
Subject: 10/044,494 - Teleconference agenda

Dear Examiner Patel:

Thank you for agreeing to hold a teleconference on Tuesday, February 8, at 9:00 EST. I will call you at that time.

Briefly, the present invention is directed to turning off processors that are overheating an enclosure according to their priority number. That is, if you have eight processor blades in a server, and the server is overheating, then you turn off (power down) the least important processor blades first. (See current application's abstract.)

Ridley '802 discusses general component heating control, but does not teach prioritizing components for a shut-down process. Wickeraad '180 is cited for this feature.

Wickeraad '180 adjust time-out periods for devices having a problem loading cache memory as a result of a bus collision (col. 1, lines 13-26). For example, assume that you have a hard drive and a CPU both trying to respond to a cache request. If neither device can get the data by 100 microseconds, presumably due to a bus collision, then the hard drive needs to send a message to the CPU stating that the hard drive can't get the data within the 100 microsecond window. The CPU needs to keep its communication line to the data bus open, so it stays on line with the bus long enough to receive the error message from the hard drive. (See col. 4, line 59 to col. 5, line 33 of Wickeraad '180.)

Wickeraad '180 does not teach powering down overheating components according to their priority level. The term "shut down" is used on col. 5, lines 25-26, but this does not refer to powering down. Rather, the term "shut down" refers to a timeout, during which the device quits trying to put data on the bus. (See col. 4, line 59 to col. 5, line 33, and particularly col. 5, lines 30-31 for context in which term "shut down" is used.)

I believe the following amendment would clarify the distinctive features of the present invention:

1. A method for co-operative thermal management of a plurality of independent electronic devices housed within a common enclosure, said method comprising:
 - designating a priority number for each of said plurality of independent electronic devices,
 - wherein each of said plurality of independent electronic devices has a thermal controller; [[and]]
 - measuring a temperature of each of said plurality of independent electronic devices; and
 - for each of said plurality of independent electronic devices:
 - determining if said measured temperature exceeds a threshold value for said independent electronic device; [[and]]
 - in response to a determination that said measured temperature exceeds a threshold value,
 - initializing a count-down value to said designated priority number of said independent electronic device [[in response to a determination that said measured temperature exceeds a threshold value]];
 - counting down said count-down value as long as said measured temperature exceeds said threshold value; and
 - in response to said count-down value reaching a pre-determined action level, powering

down said independent electronic device.

I look forward to discussing this matter with you next week.

Best regards,

Jim Boice
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3/7/2005